

160.1598 Renewal or nonrenewal of charter contract -- School performance report -- Reasons for nonrenewal or revocation -- Administrative regulations -- Report of action taken and reason for decision -- School closure protocol.

- (1) A charter contract may be renewed by the authorizer for a term of duration of five (5) years, although the authorizer may vary the term to as few as three (3) years. Any variation in the public charter school's term must be solely based on the performance, demonstrated capacities, and particular circumstances of a public charter school. Authorizers may grant renewal with specific conditions for necessary improvements to a public charter school, but may not impose conditions inconsistent with KRS 160.1590 to 160.1599.
- (2)
 - (a) No later than one (1) calendar year prior to the expiration date of a charter contract, an authorizer shall issue a public charter school performance report and charter renewal application guidance to the public charter school it authorized. The performance report shall summarize the school's performance record to date, based on the performance framework required under KRS 160.1596 and the charter contract, and shall provide notice of any weaknesses or concerns related to the school that may jeopardize its position in seeking renewal if not timely rectified and of any strengths or achievements that support its position in seeking renewal.
 - (b) The school shall have twenty (20) days to respond to the performance report and submit any corrections or clarification for the report to the authorizer.
 - (c) Within ten (10) days of receiving a school's response, the authorizer shall review the response and issue a final performance report to the school.
- (3)
 - (a) The renewal application guidance shall, at a minimum, provide an opportunity for the public charter school to:
 1. Present additional evidence beyond the data contained in the performance report supporting its case for charter renewal;
 2. Describe improvements undertaken or planned for the school; and
 3. Detail the school's plan for the next charter term.
 - (b) The renewal application guidance shall include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, which shall be based on the performance framework as identified in the charter contract.
- (4)
 - (a) No later than six (6) months prior to the expiration date of a charter contract, the board of directors of a public charter school seeking charter contract renewal shall submit a renewal application to the authorizer pursuant to the renewal application guidance issued by the authorizer.
 - (b) The authorizer shall rule by resolution on the renewal application no later than thirty (30) days after receipt of the application.
- (5) In making charter application, renewal, or other appealable decisions, an authorizer shall:
 - (a) Make its decision within established timeframes. Any failure of the authorizer to act on a charter application, renewal, or other appealable

decision shall be deemed a denial of the requested action and thereafter be subject to appeal;

- (b) Base its decision on evidence of the public charter school's performance over the term of the charter contract in accordance with the performance framework required in the charter contract;
 - (c) Ensure that data used in making renewal decisions is available to the public charter school and the public; and
 - (d) Provide a public report summarizing the evidence basis for each decision.
- (6) A charter contract may not be renewed if the authorizer determines that the public charter school has:
- (a) Committed a material violation of any of the terms, conditions, standards, or procedures required under KRS 160.1590 to 160.1599 and 161.141 or the charter contract, and has persistently failed to correct the violation after fair and specific notice from the authorizer;
 - (b) Failed to meet or make significant progress toward the performance expectations identified in the charter contract;
 - (c) Failed to meet generally accepted standards of fiscal management, and has failed to correct the violation after fair and specific notice from the authorizer; or
 - (d) Substantially violated any material provision of law from which the public charter school was not exempted and has failed to correct the violation after fair and specific notice from the authorizer.
- (7) An authorizer may take immediate action to revoke a charter contract if a violation threatens the health and safety of the students of the public charter school.
- (8) The State Board of Education shall promulgate administrative regulations establishing a revocation and nonrenewal process for charter authorizers that:
- (a) Provides the charter holder with a timely notification of the prospect of revocation or nonrenewal and of the reasons for such possible closure;
 - (b) Allows a charter holder a reasonable time in which to prepare a response;
 - (c) Provides the charter holder with an opportunity to submit documentation and provide testimony challenging the rationale behind the closure and in support of the continuation of the school at an orderly proceeding held for that purpose;
 - (d) Allows the charter holder the right to representation by counsel and to call witnesses on behalf of the charter holder;
 - (e) Permits the recording of such proceedings; and
 - (f) After a reasonable period of deliberation, requires a final determination be made and conveyed in writing to the charter holder.
- (9) If an authorizer revokes or does not renew a contract, the authorizer shall clearly state, in a resolution of its governing board the reason for the revocation or nonrenewal.
- (10) Within ten (10) days of taking action to renew, not renew, or revoke a charter, the authorizer shall report to the state board the action taken, and shall provide

a report to the public charter school at the same time the report is issued to the state board. The report shall include a copy of the resolution adopted by the authorizer's governing board describing the action taken and reasons for the decision and assurance as to compliance with all of the procedural requirements and application elements found in KRS 160.1593.

- (11) An authorizer shall develop a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and assets. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the authorizer. If a public charter school closes for any reason, the authorizer shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol. If a public charter school is subject to closure, following exhaustion of any appeal allowed under KRS 160.1595, an authorizer may remove at will at any time any or all of the members of the board of directors of the public charter school in connection with ensuring a smooth and orderly closure. If the authorizer removes members of the board of directors such that the board of directors can no longer function, the authorizer shall be empowered to take any further necessary and proper acts connected with closure of the public charter school in the name and interest of the public charter school.

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